



WEEKLY LAW RESUME™

Issue By: KEVIN P. ALLEN

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Gun-Related Entry Protected by Qualified Immunity

Darin Ryburn, et al. v. George R. Huff, et al.

United States Supreme Court (January 23, 2012)

This case examines the lawfulness of warrantless home entry and qualified immunity.

Four officers from the Burbank Police Department responded to a call from a local high school. Upon arriving, the school principal told them of a rumor that Vincent Huff, a student, wrote a letter threatening to shoot up the school. The officers' investigation revealed that Vincent had been absent from school for two days and that he was frequently subjected to bullying. This information coincided with the officers' training that such characteristics are common among school shooters.

The officers proceeded to Vincent's home in order to interview him. Upon arriving, Officer Zepeda knocked on the door, announcing the officers' presence several times. No one answered the door or responded to Zepeda's knocks. Sgt. Ryburn then called the home telephone: no response. He next called the cell phone of Vincent's mother, Mrs. Huff. She answered, informing the sergeant she was inside the home. In response to Sgt. Ryburn's request to speak with her, Mrs. Huff hung up the phone.

One to two minutes later, Vincent and his mother came outside. During the ensuing conversation, Vincent denied the threats and Mrs. Huff refused Ryburn's request to continue the discussion inside the home. After that refusal, Sgt. Ryburn asked Mrs. Huff if there were any guns in the home. Without responding, she immediately turned around and ran inside. Sgt.

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Ryburn followed, Vincent followed him, and Officer Zepeda followed Vincent. The two other officers on-scene, who were out of earshot, also entered the home upon the assumption Mrs. Huff had given the officers permission to enter.

The officers remained in the home for 5-10 minutes. The officers spoke to Vincent and his mother, ultimately concluding the rumor was false. They did not search the Huffs or their property. The officers left after Mr. Huff (Vincent's father) challenged their authority to be there.

The Huffs filed a civil rights action in federal court, alleging a Fourth Amendment violation: specifically, home entry without a warrant. After a bench trial, the District Court entered judgment in favor of the officers on the basis of qualified immunity. The Court found that Mrs. Huff's behavior, combined with the information learned at the school, could reasonably lead officers to believe the house contained weapons, and that family members or the officers themselves were in danger.

A divided panel of the Ninth Circuit Court of Appeals disagreed, finding no qualified immunity existed. The Ninth Circuit found that no reasonable belief of harm existed, because Mrs. Huff only asserted her right to end her conversation with the officers and re-enter her home.

The U.S. Supreme Court reversed the Ninth Circuit, finding qualified immunity existed. Noting that none of its decisions had ever found a Fourth Amendment violation on even roughly comparable facts, the Court concluded that a reasonable officer could believe home entry is lawful in those situations where there's a reasonable basis to believe the threat of violence is imminent.

The Court strongly disagreed with the Ninth Circuit's opinion, finding the lower court's analysis flawed for multiple reasons. First, the appellate panel did not accept the factual findings of the District court. Second, the panel found that lawful conduct may never be a matter of concern to officers. Third, the panel looked at case events in isolated, discrete parts, rather than as a whole. Fourth, the panel improperly second-guessed the officers' decision by using 20-20 hindsight.

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COMMENT

Ryburn does not break new legal ground. On the contrary, it affirms precedent, including that: (1) qualified immunity applies to a warrantless home entry where officer(s) reasonably believe there is imminent harm; and (2) officers' judgments are not to be judged with 20-20 hindsight. By issuing a brief, per curiam opinion, the Court may have intended to emphasize the ordinary nature of its decision, with an eye towards nudging some lower courts (like the Ninth Circuit) "back in line," so to speak.

One particular paragraph from Ryburn merits mention. It reads: "the panel majority's method of analyzing the string of events that unfolded at the Huff residence was entirely unrealistic. The majority looked at each separate event in isolation and concluded that each, in itself, did not give cause for concern. But it is a matter of common sense that a combination of events each of which is mundane when viewed in isolation may paint an alarming picture." With these three sentences, the Court emphatically reaffirmed that Fourth Amendment claims should be examined by looking at the totality of the circumstances.

For a copy of the complete decision see:

[HTTP://WWW.SUPREMECOURT.GOV/OPINIONS/11PDF/11-208.PDF](http://www.supremecourt.gov/opinions/11pdf/11-208.pdf)

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